

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF DELAWARE**

CRYSTALLEX INTERNATIONAL CORP.,

Plaintiffs,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.

Case No. 17-mc-00151-LPS

ALTANA CREDIT OPPORTUNITIES FUND
SPC, ALTANA CREDIT OPPORTUNITIES
FUND 1 SP, and ALTANA FUNDS LTD.
CAYMAN,

Plaintiffs,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.

Case No. 23-mc-00608-LPS

**PLAINTIFFS' SUPPLEMENTAL STATUS SUBMISSION PURSUANT TO
COURT'S OCTOBER 11, 2023 ORDER**

Pursuant to this Court's October 11, 2023 Oral Order, Plaintiffs Altana Credit Opportunities Fund SPC, Altana Credit Opportunities Fund 1 SP, and Altana Funds Ltd. Cayman (together, "Plaintiffs") submit the following summary of the dates of all Steps, as outlined in the Order entered in the *Crystallex International Corporation v. Bolivarian Republic of Venezuela*, Misc. 17-151-LPS matter (the "*Crystallex Matter*") on July 27, 2023 (the "July 27 Order"), that Plaintiffs have currently completed. At the time of this filing, Plaintiffs have completed Steps 1-5, which are outlined below. This submission updates and supplements Plaintiffs' Status Submission Pursuant to the Court's October 11, 2023 Order, dated December 21, 2023 (the

“December Submission”). *Crystallex* Matter, D.I. 813.

Step 1: A creditor proves it is owed some debt by a Venezuela Party.

Step 2: The creditor enforces its award in a U.S. Court and receives a judgment.

Date Completed: July 19, 2023

As the Court recognized in the July 27 Order, the Steps outlined focused “on the example of arbitration awards” and not all creditors received arbitral awards and did not need to proceed in precisely the manner outlined in these Steps. July 27 Order at 3 n.4. Here, Plaintiffs did not obtain an arbitration award. Instead, Plaintiffs secured a Default Judgment against the Bolivarian Republic of Venezuela on July 19, 2023 in the District Court for the Southern District of New York, in an action styled, *Altana Credit Opportunities Fund SPC et al. v. Bolivarian Republic of Venezuela*, No. 20-cv-8402 (S.D.N.Y.) (“*Altana* Action”). See December Submission, Exhibit A (*Crystallex* Matter, D.I. 813-1). On November 16, 2023, Plaintiffs secured an Amended Default Judgment, which includes attorneys’ fees and costs. See December Submission, Exhibit B (*Crystallex* Matter, D.I. 813-2).

Specifically, the Court entered judgment for a total amount of \$533,755,544.64,¹ not including post-judgment interest, which was also ordered.

Step 3: The creditor registers its judgment in the District of Delaware.

Date Completed: December 21, 2023

Plaintiffs registered the Final Judgment with the District Court of Delaware on December 21, 2023, in an action styled *Altana Credit Opportunities Fund SPC et al v. Bolivarian Republic*

¹ Plaintiffs filed a motion for attorneys’ fees and costs, and on November 16, 2023, the court granted this motion and amended the judgment to include attorneys’ fees. December Submission, Exhibit B (*Crystallex* Matter, D.I. 813-2); *Altana* Action, D.I. 89 (“Amended Judgment”). However, because the court granted Plaintiffs’ motion for relief pursuant to 28 U.S.C. § 1610(c) as to the original default judgment, and not the Amended Judgment, *Altana* Action, D.I. 91 at 1 n.1, Plaintiffs moved this Court for, and the Court granted (*see infra* p. 3), a writ of attachment as to the amount in the original default judgment, and not the amount in the Amended Judgment that includes attorneys’ fees and costs.

of Venezuela, Misc. No. 23-mc-00608-LPS (D. Del.) (the “*Altana* Del. Action”). See *Altana* Del. Action, D.I. 1; December Submission, Exhibit B (*Crystallex* Matter, D.I. 813-2) (Amended Default Judgment including the Stamp from this Court); *id.*, Exhibit C (*Crystallex* Matter, D.I. 813-3) (Clerk’s Certification of a Judgement to be Registered in Another District); *id.*, Exhibit D (*Crystallex* Matter, D.I. 813-4) (Cover letter filed with the Amended Default Judgment).

Step 4: The creditor moves in Delaware for a writ of attachment *fiери facias*.

Date Completed: December 21, 2023

Plaintiffs filed their Motion for an Order Authorizing a Writ of Attachment *Fieri Facias* on December 21, 2023 in the *Altana* Del. Action. *Altana* Del. Action, D.I. 3; December Submission, Exhibit E.

Step 5: The creditor obtains a writ of attachment *fiери facias*, which may be conditioned on subsequent events.

Date Completed: January 24, 2024

Plaintiffs’ Motion for an Order Authorizing a Writ of Attachment *Fieri Facias* was granted by the Court on January 24, 2024. *Altana* Del. Action, D.I. 31; *Crystallex* Matter, D.I. 886.

OF COUNSEL:

David W. Bowker (*pro hac vice*)
WILMER CUTLER PICKERING HALE AND DORR LLP
2100 Pennsylvania Avenue NW
Washington, DC 20037
(202) 663-6558
David.Bowker@wilmerhale.com

/s/ Stephen B. Brauerman
Stephen B. Brauerman (#4952)
Sarah T. Andrade (#6157)
BAYARD, P.A.
600 N. King Street, Suite 400
Wilmington, Delaware 19801
(302) 655-5000
sbrauerman@bayardlaw.com
sandrade@bayardlaw.com

Counsel for Plaintiffs

Dated: January 26, 2024